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Worker's handbook on
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WORKER'S HANDBOOK

ON UNEMPLOYMENT INSURANCE

EIGHTEENTH EDITION

ISSUED BY
THE UNEMPLOYMENT INSURANCE
COMMISSION, OTTAWA



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FOREWORD

This booklet is written to help you understand the Unemployment Insurance Act. It answers the questions most often asked. This is **not** the Unemployment Insurance Act and for exact information you should write or visit the nearest local office of the Commission.

The booklet is divided into four main parts—

What is unemployment insurance ?

Are you insurable ?

What do you pay ?

What do you receive ?

It does not cover unemployment insurance for fishermen. A separate booklet, "Information, Fisherman's Benefit", is available at your local office.

IMPORTANT

It is of the utmost importance that you carefully consider all statements made by you to the Unemployment Insurance Commission, and ensure that they are true. Severe penalties, including prosecution in the criminal courts, or deductions from future benefit, are provided for making false statements or misrepresentations.

Particular attention is drawn to the fact that, when you are claiming benefit, you must declare all of your earnings each week.

WHAT IS UNEMPLOYMENT INSURANCE?

Unemployment Insurance is your protection against unemployment. The contributions you pay, with the money received from employers and the Government, go into a common fund from which benefits are paid to those who lose their jobs and who meet the conditions set out in the Act and Regulations. Unemployment Insurance is like fire insurance where many people pay small premiums so that the few who lose their property will receive compensation. **It is not a savings account.** The premium pays for protection during the term of the policy and, whether or not there has been a loss, there is no refund of the amount paid in. You must **not** expect that, simply because you have paid contributions you are, as a consequence, entitled to benefit.

AM I INSURABLE?

1. Am I insurable?

Unless you are employed in one of the non-insurable employments listed below, you are insurable if you are employed in Canada in wage-earning employment under a contract of service, no matter how old you are or how you are paid, if your earnings do not exceed \$5,460 in a year. Even if they exceed that amount you are still insurable if you are paid at so much per hour, per day or by the piece, or if you are employed in fishing, or if you are fully qualified to remain insurable by paying both your own and your employer's share of the contributions (see (14) below). However, no person except a fisherman is insurable when working on his own account and not as an employee.

List of Non-insurable Employments

- (1) Employment in agriculture and horticulture.
NOTE: Certain parts of agriculture and horticulture are insurable, unless they are carried out as an incidental part of other farming operations. They are:

(a) employment in establishments mainly engaged in egg grading, chick hatching, in the breeding or raising of poultry, in the marketing of poultry and in the breeding or raising of race, saddle or light harness horses.

(b) employment in landscape gardening and in the care of public and private parks, gardens and grounds. This does not include employment in nurseries, greenhouses, and vegetable or fruit farming.

(2) Casual employment as a firefighter in forestry for not more than 10 days in any period of 30 days.

NOTE: Other forestry workers are insurable.

(3) Employment in hunting, trapping and certain employments in fishing.

(4) Employment in a hospital not carried on for gain or in a charitable institution, but persons employed on a casual or temporary basis in construction or repair work are insurable, and all the employees of a hospital or charitable institution who are in insurable categories may be insured with the consent of the employer and the concurrence of the Commission.

(5) Employment as a member of the Canadian Forces or as a member of a federal, provincial or municipal police force, but municipalities may insure members of their police force with the consent of the municipality and the concurrence of the Commission.

(6) Employment in which you are employed and paid for playing any game.

(7) Employment as a private duty nurse; as a teacher in a school, college, university, institute or in a private capacity.

(8) Employment in domestic service (except in a business carried on for gain or in a club).

(9) Employment by your husband or wife.

(10) Employment for which no wages or other money payment is made, where you are the child of or are maintained by your employer.

(11) Employment by a corporation of which you own more than half the voting stock or where you are a director and are employed as an officer. (This does not apply to persons employed in fishing.)

(12) Employment as an agent paid by commission, but only where the employee is mainly dependent for his livelihood on earnings from some other occupation, or where the agent has more than one employer and is dependent on no one employer for his main source of livelihood.

(13) Employment of a casual nature other than employment for the purpose of the employer's trade or business (e.g., any employment by the owner or tenant of a private dwelling for repairs, alterations or the construction of his dwelling).

- (14) Employment where earnings exceed \$5,460 a year, unless the rate is by the hour, day, or at a piece rate, or if you are employed in fishing, in which case you are insured regardless of your total earnings.

NOTE: If you are not insured because of this provision but have paid contributions for at least 30 weeks in the past two years you may elect to remain insured **but this election must be made within six months after you have ceased to be insurable.**

- (15) Employment in the public service of a province, unless the provincial government has consented to insure the employees in the group or category to which you belong, and the Commission has given concurrence.
- (16) Employment in the public service of Canada, or by a municipal authority, where the employment is certified to the satisfaction of the Commission to be permanent employment. (This exception does not apply to employment by public utilities or by designated Crown Corporations.)
- (17) Employment paid solely by commission as a real-estate salesman or securities salesman or as an insurance agent. (This exception does not apply to officers or salaried employees.)
- (18) Employment as a truck driver where you own and use your truck in your employment.
- (19) Certain classes of seasonal, temporary and part-time employments specified in the Regulations of the Commission. Consult the Commission's local office if you think your employment is not insurable on this account.

2. Is unemployment insurance compulsory?

Yes. The reason for this is to spread the cost among as many workers as possible. In this way, contributions can be small without making benefit rates unreasonably low.

2A. Who decides questions of insurability?

The local office of the Commission will give you a ruling whether your employment is insurable or not. If you are not satisfied with this ruling, you may apply to the Commission for a formal decision. If you are still dissatisfied you may appeal the Commission's decision within 60 days to the Umpire (see also question 37).

3. If I work part-time, am I insurable?

Yes, but if you are not ordinarily employed in insurable employment, you may claim exception by lodging a declaration to this effect with

your employer in certain employments specified in the Regulations of the Commission. These include employment for not more than 24 hours a week, employment in food canning and processing, and several others. Consult your local office.

4. How do I become insured?

When you enter insurable employment for the first time you must be registered with the Commission and must get an insurance book from the local office of the Commission. You will receive a "Social Insurance Card" showing your Social Insurance Number. **This number is allotted to you for life and is the only means of identification should you become a claimant for benefit.** The "Social Insurance Card" is, therefore, valuable to you. **Keep it in a safe place.** Quote your insurance number every time you have dealings with the Commission.

Do not try to obtain a second number, for that will only complicate matters should you become a claimant, and might even result in your being denied benefit.

5. Who keeps my insurance book?

Your employer keeps it while you are working for him because it is his responsibility to record your contributions each pay period. **Hand your insurance book to your employer immediately you begin working for him.** If you can't get your book tell your employer your insurance number (from your "Social Insurance Card"). **Keep the book yourself when you are not working.**

WHAT DO I PAY?

6. What contributions are made and how much do I pay?

The following table shows the weekly contributions to be made by you and your employer. Your own contribution is deducted from your wages.

<i>Earnings in a Week</i>	<i>Weekly Contri- bution</i>	<i>Employee Deduction</i>
Up to \$ 8.99.....	\$.20(1)	\$.10
\$ 9.00 " 14.99.....	.40	.20
15.00 " 20.99.....	.60	.30
21.00 " 26.99.....	.76	.38
27.00 " 32.99.....	.92	.46
33.00 " 38.99.....	1.08	.54
39.00 " 44.99.....	1.20	.60
45.00 " 50.99.....	1.32	.66
51.00 " 56.99.....	1.44	.72
57.00 " 62.99.....	1.56	.78
63.00 " 68.99.....	1.72	.86
69.00 and over.....	1.88	.94

(1) One-half of a 40 cent stamp.

7. How are contributions paid and recorded?

Your employer buys unemployment insurance stamps or meter credits through the post office and places them in your insurance book. This is a record of the joint contributions made by him as employer and by you as employee. Some employers are authorized to record the contributions on a special certificate.

8. How am I to know what contributions are being recorded in my insurance book?

You have the right to examine your book or contribution record at a time convenient to your employer, but not oftener than twice a month. **When you leave a job make sure you get your book and look at it to see that the contributions are properly recorded up to and including the week you leave.** If you find that your employer has not put stamps in your book as required, or that stamps have been placed in error in your book, or that the record is wrong, check with your employer, if need be consult your union and finally, if necessary, report to the local office.

9. Where do the contributions go?

Contributions (yours and your employer's) are placed in the Unemployment Insurance Fund. To this the Federal Government adds one-fifth

of the total amount contributed by employers and employees. The Fund may be used only for the payment of benefit. The Government pays operating costs, such as upkeep of Commission offices and salaries of employees.

10. If I leave insurable employment permanently, can I get a refund of the contributions I have paid?

No. As explained before, unemployment insurance is like fire insurance. You pay premiums for protection against fire. If your house does not burn down, you have had the protection and you get no refund of your premiums. In the same way if a man retires from work, or a woman marries and leaves her employment, no refund of unemployment insurance contributions is made. The contributions stay in the Fund and are used to pay the benefit claims of those who lose their jobs and are still looking for work.

11. What should I do if I lose my insurance book?

Write or visit the nearest local office of the Commission, **and tell them your insurance number** (from your "Social Insurance Card"), **your full name and date of birth**, and full particulars of the loss. They will give you a new book bearing the original insurance number. If you do not know this number, they may have to give you another number, and that means you may lose credit for some of the contributions you have made. **Protect your benefit rights by looking after your insurance book and "Social Insurance Card".**

12. What should I do if I have two insurance books in my possession for the same year?

Compare the insurance numbers on them. If they are the same, deposit one book at the nearest local office and obtain a receipt for it.

If the insurance numbers are different, take both books to the local office and ask for a correction. It is important that **all** your contributions are under one number.

WHAT DO I RECEIVE?

13. What should I do if I am laid off or lose my job?

Go to the nearest local office of the Commission **immediately**. If you wish to make a claim for benefit, **get your insurance book from your last employer, see that it is stamped up to and including the last week you worked** and send or take it to the local office. **Fill out an application for benefit**, follow any instructions you receive and give more information if it is needed. **Don't delay filing your claim even if you cannot get your book right away.** The claim takes effect only from the week in which you file it. If you live so far from the nearest local office that the cost of return transportation is more than \$2 you may make a claim by mail. Write to the local office that you wish to make a claim for benefit. **Do not simply send your insurance book and expect the office to assume that you wish to make a claim.** The claim will usually have effect from the week in which you posted your letter. **If you are a claimant, be sure to report to your local office on the day and at the time when you are told to do so, to prove that you are unemployed.** If you are a postal claimant follow carefully all directions received from your local office.

14. What happens if I find a job or a job is found for me?

If the job is suitable, you will be expected to take it. If you refuse suitable employment, or fail to apply for it, without good reason, you

will probably be disqualified for benefit for a period up to six weeks. You are also expected to look for work yourself while on claim.

15. How do I qualify for benefit?

To qualify for unemployment insurance benefit you must

- (a) be unemployed for some part of the week claimed for and, in addition, be ready, willing and able to work and unable to obtain suitable employment for each day of such week. (See paragraph 17.)
- (b) be able to establish a benefit period by having
 - (i) at least thirty contribution weeks in the last 104 weeks;
 - (ii) at least eight of these contribution weeks in the last 52 weeks or since your last benefit period began, whichever is the shorter period;

moreover, if you are making a new claim less than 104 weeks after the commencement date of your last claim

- (iii) at least 24 of the 30 contribution weeks must be in the 52 weeks before this new claim or since the commencement date of your last claim, whichever is the longer period.

NOTE: A contribution week in which earnings were less than nine dollars counts as a half week only.

For a definition of **benefit period** see question 18.

You must make a claim as explained under question 13. If you do not apply, you cannot hope to receive, so do not expect a benefit cheque to come to you automatically when you lose your job.

16. If I have less than the necessary number of contributions during the qualifying

periods mentioned in question 15, may these periods be extended?

If you have been in non-insurable employment, or if you have been in business on your own account, during all or any part of the qualifying periods mentioned in question 15, you should let the local office know, as you may be entitled to an extension of these qualifying periods. Extension of these periods may also be granted for other reasons, such as being totally incapable of work because of sickness or injury, not working because of a stoppage of work due to a labour dispute or because of time spent under sentence in a jail or penitentiary. In no case, however, will extension be approved with respect to any period during which you received either seasonal or regular benefit.

17. If I can't qualify for the receipt of unemployment insurance benefit how can I qualify for the receipt of seasonal benefit?

Seasonal benefit may be paid **in the period** from the week in which December 1 occurs to the week in which May 15 occurs each year. The rate of benefit is the same as for regular benefit. If you haven't enough contributions to entitle you to regular benefit you may receive seasonal benefit as follows:

- (1) If you have at least 15 contribution weeks after the Saturday before the preceding March 31st, you may get five weeks' benefit for every six contribution weeks, or,
- (2) If you cannot qualify under (1) and your previous benefit period has ended after the week in which the preceding May 15 occurred, you may get a maximum of twenty-four weeks' benefit.

Other conditions you must fulfill are the same as those for regular benefit. Our offices check all initial claims made during December, January, February, March, April and early

May and if there are not enough contributions shown to entitle the claimant to regular benefit, the claim is considered for seasonal benefit.

18. How do I qualify if I become unemployed again?

When you make your first claim, and have enough contributions, you begin a "benefit period". A benefit period runs for 52 weeks from the week of your claim, or until you use up all your benefit if you do this in less than 52 weeks. If you make a claim or claims during another period of unemployment while your benefit period is still in force, you don't have to fulfill the contribution requirements again. Of course, you must deposit your insurance book. If you have used up all of the benefit payable under one claim, or if 52 weeks have passed since your last claim was started, you must again show that you have the contributions set forth in the answer to question 15 before more benefit can be paid.

19. Why must I have paid these contributions in the periods specified?

This is to show that you normally work in insurable employment and that you have been doing so recently. It would be unfair to insured workers to take money from the Fund for benefit payments to persons who have spent only a short time in insurable employment or who have not had any insurable employment recently.

20. What happens if I quit my job or if I am dismissed?

If you leave your job of your own free will without just cause, or if you lose your employment because of your own misconduct, you may be disqualified for as long as six weeks. You will receive benefit after the disqualification has ended if you are still not working, and **if you continue to report regularly** to the local office as directed and prove that you are entitled to receive benefit.

21. Can I get benefit if I am unemployed because of a strike or lockout?

No, unless you become employed elsewhere in your usual occupation or have become regularly employed in another occupation, or unless you prove that you and the rest of the workers in your grade or class working at the premises before the work stoppage (1) are not taking any part in the dispute which caused the work stoppage, and (2) are not paying any money to support it, and (3) are not directly interested in the dispute which caused it.

22. After I have fulfilled all the conditions how long do I have to wait before benefit is paid?

Benefit is not payable at the beginning of a benefit period until the end of a waiting period equivalent to a week of full benefit. When one benefit period ends and a claimant immediately re-qualifies for benefit, the waiting period **may** be waived **provided certain other conditions are fulfilled.**

23. Do I receive benefit for every week I do not work?

No. You will not receive benefit

- (1) for the waiting period at the beginning of any benefit period,
- (2) for the time that you are not available or that you are otherwise disqualified,
- (3) for any week in which you work the full working week.

See also the answers to questions 22 and 25.

24. Can I be considered unemployed if I work in any week?

If you work less than full time, as an employee, your weekly earnings are deducted from your benefit, with the exception of a stipulated amount based on your benefit rate and called allowable earnings. If you are self-employed, you would not, generally speaking, be considered as unemployed unless your self-employment is so limited that a person would not, under the circumstances, normally follow it as a principal means of livelihood. In the latter

event your weekly earnings are deducted from your benefit as above. (See also question 32.)

25. What if I am still receiving wages from my employer?

If you continue to receive your full wages from your employer you may be considered not unemployed, even though you are not required to work. If you receive less than your full wages, these will affect your benefit by the amount they exceed your allowable earnings.

26. If I have a pension or some similar private income, am I disqualified for benefit?

No. Income of this sort is not earnings and does not disqualify you from receiving benefit when you are unemployed.

27. Do I get benefit for a holiday?

You cannot receive benefit if you are not separated from employment but are merely on a vacation with pay.

You are not entitled to benefit in any week if your only unemployed days are Sunday, a recognized holiday of one day, or the day before or the day after such holiday, if your employer does not require you to work on any of those days.

Holiday pay received or payable at time of separation will not affect your entitlement, unless a general continuous holiday commences at your place of employment within the six weeks following the week of your separation. Under these circumstances, your benefit will be affected by the amount your holiday pay exceeds your allowable earnings each week.

Pay received from your employer, or former employer, for a single holiday or non-working day, will be considered earnings and taken into account to determine the amount of benefit payable to you for the week in which the holiday or non-working day occurs.

If you have received vacation pay stamps, these will affect your benefit by the amount they exceed your allowable earnings, if there is a general continuous holiday commencing within six weeks of the week in which you

separate and if such holiday commences within six weeks of the week in which your vacation pay stamps become redeemable.

28. Do I get benefit if I lose my job because of illness, injury, or quarantine?

When you make your claim you declare that you are capable of, and available for, work and unable to obtain suitable employment. **If you leave your job because of illness, injury, or quarantine, obviously you are not capable of work and, therefore, cannot be paid benefit until you become capable of work again.**

29. Can I be paid benefit if I fall ill, or I am injured or quarantined while unemployed?

If you have already put in the waiting period and are qualified to actually begin drawing benefit when the illness, injury, or quarantine occurs, your payments are not affected. However, you must furnish proof that you are ill, injured or quarantined, if you are asked to do so.

30. Will benefit be paid to me while I attend a course of instruction or training?

Yes, if you have established a benefit period and are **directed** to attend the course. You may not be paid benefit while attending a course if you left your employment voluntarily to attend the course or if suitable employment is available for you. Your local office will give you full details about this.

31. Is benefit payable during pregnancy?

Benefit may be paid during the earlier weeks of pregnancy provided the claimant is ready, able and willing to take work immediately and has not left her employment voluntarily because of pregnancy. Benefit is not ordinarily paid during the later weeks of pregnancy or during the time immediately following the birth of a child.

32. How much is my benefit?

The amount of your weekly benefit is based on the average rate of your most recent 30 contribution weeks made in the last 104 weeks. Benefit rates are given in the following table:

<i>Range of Average weekly Contributions (cents)</i>	<i>Single Benefit</i>		<i>Dependency Benefit</i>	
	<i>Benefit</i>	<i>Allowable Earnings</i>	<i>Benefit</i>	<i>Allowable Earnings</i>
Less than 25c....	\$ 6.	\$ 3.	\$ 8.	\$ 4.
25c & under 34c....	9.	5.	12.	6.
34c " 42c....	11.	6.	15.	8.
42c " 50c....	13.	7.	18.	9.
50c " 57c....	15.	8.	21.	11.
57c " 63c....	17.	9.	24.	12.
63c " 69c....	19.	10.	26.	13.
69c " 75c....	21.	11.	28.	14.
75c " 82c....	23.	12.	30.	15.
82c " 90c....	25.	13.	33.	17.
90c and over.....	27.	14.	36.	18.

33. How long is benefit paid to me?

You may receive one week's benefit for every two contribution weeks made during the last two years unless you had a previous benefit period within that time in which case only the contribution weeks made since the previous benefit period began, or in the last 52 weeks, whichever is the longer time, will count.

The minimum is 12 weeks of full benefit and the maximum is 51 weeks. (See also question 18.)

34. Who may be claimed as dependents?

The following persons may be claimed as dependents: your wife, husband or child; or any of your blood relatives down to nephews and nieces; or relatives by adoption or marriage down to brothers and sisters of your spouse, and your step-child or adopted child. To claim a person as a dependent you have to be wholly supporting or mainly supporting that

person, and the dependent must live in Canada or in one of the United States of America with which Canada has a reciprocal agreement.

35. Who decides whether or not I am entitled to benefit?

An insurance officer decides whether your claim for benefit may be allowed. If you are not satisfied with his decision, you may appeal to a board of referees. You must, however, make your appeal within 30 days of the date you receive the decision.

36. What is a board of referees?

A board of referees is made up of one or more members representing insured persons with the same number of members representing employers, and a chairman appointed by the Government. None of these persons is an employee of the Unemployment Insurance Commission.

37. Must I abide by the decision of the board of referees?

Generally, yes, but in certain cases, if you are still dissatisfied you have the right to appeal to the Umpire, who is a Judge of the Exchequer Court appointed by the Government to hear appeals on unemployment insurance questions. The decision of the Umpire is final.

38. May I go away from home while receiving benefit?

If for any reason you have to leave your local office area for a short period, be sure that you inform your local office before you go, and ascertain whether you may be considered available for work during your absence. You should make arrangements so that you can be notified of any suitable employment opportunities and

be ready to return immediately to accept at once any suitable work which turns up. Benefit will **not** be paid if your absence is for the purpose of taking a holiday.

39. If I move from one district to another, what do I have to do?

If you are moving from one job to another take your insurance book with you and give it to your new employer. Perhaps you are unemployed and claiming benefit and are taking up residence in a new area for good reasons. If so, **before you leave** you must tell the local office at which you made your claim what you intend to do. Then, **as soon you arrive at your destination**, you must report to the local office there and give the officials all the information they need to transfer your claim to that office.

40. What happens to my right to benefit in the future if I take a job that is not insurable?

See the answer to question 16. Because of the extension of the qualifying periods, most of your contributions will count to establish your benefit rights, if your job in non-insurable employment is temporary.

41. What should I do if I give up my job and am not going back to insurable employment?

Bring or send your insurance book to the nearest local office of the Commission for safekeeping, and ask for a receipt. **Make a record of your insurance number**, and keep it so that when you return to insurable employment, your contributions can be continued under your original number. **Do not get another number**; if you do, you may lose credit for contributions you have already paid.

- 42. If I was insured in the United States under their unemployment compensation laws before coming to Canada, can I obtain any benefit in Canada?**

Consult your local office to see whether you can claim benefit under the law of the state where you were insured. Arrangements have been made between Canada and most of the states for paying benefit to a person who proves that he is unemployed in Canada.

- 43. What happens if I have been insured in Canada and later go to the United States to work and become unemployed there?**

Apply at a local office of the state employment service in the United States. If it is a local office in a state which has an agreement with Canada, you may apply there for benefit based on contributions which you made in Canada. But if you live in a border town or city you should make your claim in person at the nearest Canadian office of the Unemployment Insurance Commission. If you are only visiting the U.S.A., the U.S. immigration laws do not allow you to accept work there. Therefore, you are not considered to be available for work and cannot draw benefit during your stay.

- 44. Has Canada a similar agreement with Britain or any other country?**

No.

YOUR INSURANCE BOOK

Your insurance book is a valuable document. You should get it from your employer as soon as you leave your job and take it to your new employer as soon as you begin work.

You have the right to examine your book while it is with your employer at times convenient to your employer and not oftener than twice a month, to satisfy yourself that proper contributions are being made.

Although you should not delay making your claim for benefit if you do not have your book (see question 13), remember that failure to deposit the book may delay your claim. Remember, too, that if the failure is due to neglect on your part, you may be disqualified from the receipt of benefit.

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